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UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Brian Eric Barnes

Docket No. 4:11-CR-27-1F

Petition for Action on Supervised Release

COMES NOW Michael W. Dilda, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Brian Eric Barnes, who, upon an earlier plea of guilty to Conspiracy to Interfere With Commerce by Robbery and Aiding and Abetting, in violation of 18 U.S.C. §§ 1951 and 2, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge on September 7, 2011, to the custody of the Bureau of Prisons for a term of 60 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 3 years.

Brian Eric Barnes was released from custody on March 18, 2015, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On January 15, 2016, the defendant provided a urine sample that was submitted for laboratory analysis. On January 27, 2016, laboratory analysis revealed positive results for marijuana. On February 26, 2016, when confronted with the test results, Barnes admitted he used marijuana on approximately January 1, 2016. An additional urine sample was submitted on February 26, 2016, and the defendant admitted he used marijuana again on February 15, 2016. Subsequent laboratory analysis received on March 5, 2016, confirmed positive results for marijuana. The defendant has agreed to report for a substance abuse evaluation and follow up as directed with any recommended treatment. Additionally, as sanctions for this violation conduct, confinement of 2 days in the custody of the Bureau of Prisons and participation in the DROPS Program (second use level) is recommended. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days; Barnes shall begin the DROPS Program in the second use level.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

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I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Michael W. Dilda
Michael W. Dilda
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: 252-830-2342
Executed On: March 25, 2016

ORDER OF THE COURT

Considered and ordered this 28 day of March, 2016 and ordered filed and
made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge